PUBLIC EMPLOYEE SURVIVAL GUIDE

DEALING WITH AUTHORITY, GETTING YOUR JOB BACK
AND MISCELLANEOUS THOUGHTS ON HOW TO KEEP YOUR JOB
AND
SURVIVE PUBLIC EMPLOYMENT IN OHIO

By Michael A. Moses, Attorney (© 2024)

Introduction

Public employees are under attack at all levels of government. Candidates for elective office use civil servants as scapegoats for government inefficiency, and as justification for sweeping legislation to strip employees of rights to protect their jobs and collectively bargain. Pension funds continue to be targeted, and government managers seek to extend private sector "employment-at-will" concepts to public employment. But, with diligent forethought and planning, you can protect your job. Civil service laws have been around for over 100 years, but have been increasingly weakened and diminished through recent court decisions and numerous legislative enactments. Even at the time of publication of this manual, a "Constitutional Modernization Commission" has been convened, and rumors abound that one of its proposed "reforms" will be to repeal the civil service ("merit and fitness") amendments enacted at Ohio's 1912 Constitutional Convention. Take the time to learn about civil service law and other legal protections to enhance your survival prospects. Suing your employer in court is not specifically addressed in this publication because the time limit for taking action is much shorter for initiating the civil service appeal process, and without using the appeal process, it is difficult, if not impossible, to bring a lawsuit over your employment dispute. To take a measure of control over your career in government, I suggest you start now by reading this guide.

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1. SURVIVING GOVERNMENT EMPLOYMENT

With prudence, performance, persistence and a little luck, a government employee will never need to use the information in this book. Employees need to know their work rules, policies and procedures. Employees also need to remember they are working for the taxpayer indirectly, and that, to an extent, they work under the microscope of public opinion. At any moment, a seemingly innocuous job can become the focus of a major media frenzy. To avoid being a news story, employees can help their cause by observing a few common-sense rules. First, during work hours, employees should work—not gossip, not make personal phone calls or access the internet for personal reasons. Office equipment, including the phones, computers, copiers and fax machines, in a public agency belong to the public. Personal use of government equipment is nearly always a violation of a work rule or policy. Conducting personal business on work time can lead to having one's pay docked or receiving disciplinary action. Many workplaces, in the public sector as well as the private sector, foster casual, relaxed work environments, where regulation of employee performance is lax, and work becomes a place to hang out. This may be fine in the short term, but, inevitably, management changes, and a long term employee who is not necessarily used to putting in a solid 8 hours may be quite surprised when existing regulations and policies are suddenly enforced.

Secondly, inappropriate comments or actions, no matter how innocent the intention, can be a basis for serious discipline up to and including removal. Sexist, discriminatory or belligerent remarks have no place at work. Unsolicited touching or unwarranted discussion of any act of aggression or violence may be a terminable offense, even when an employee has no history of discipline. It may seem obvious to say, but the era of political correctness dictates that employees act like adults at all times, and avoid horseplay or juvenile behavior, which can be construed as harassing, discriminatory or threatening conduct.

Long-term employees are sometimes surprised when a single remark or action leads to serious discipline. Use of common sense, exercising courtesy toward others, and separating work from personal concerns, avoids the issue of having to compare your behavior to past behavior of others in the hope that a violation of a work rule can be excused because "others do it." While past practices of an employer may be argued to reduce the chances of termination, an efficient human resources office can, in most cases, successfully impose some discipline, which will survive a subsequent legal challenge.

In summary, to be safe, employees should be able to account for their time at work, stay off the phone and the computer, except for work-related purposes, and avoid gossip, horseplay and personal relationships with co-workers. It should be remembered that, one rarely makes friends at work, because the only thing a person really has in common with co-workers is that they all get paid by the same employer. While it may be tempting to treat work as a place to socialize, little long-term good comes of it—and a significant number of terminations arise from crossing the line between personal and work boundaries. Protecting one's employment is so much easier, when an employee does not have to expend significant time and money to disprove that personal activities or

relationships on the job did not interfere with their work or were relatively minor infractions.

In any event, tracking one's work and diligently accounting for time and performance, and limiting personal business to breaks, lunches or after-hours, goes a long way to ensuring longevity in employment.

2. WHEN YOU'RE INVESTIGATED

You may have done nothing wrong. Or you may believe your conduct was justified, even though minor policy or rule infractions may have occurred. You have a duty to cooperate with an administrative investigation. It is important to keep in mind your relationship with your supervisor. If you sincerely believe that you will get a fair shake and a neutral assessment of your actions, you may choose to go forward with the investigation without representation. (If you are employed in a bargaining unit with union representation, you should consult with your steward to get a feel for the seriousness of the allegations against you)

If you sense that the allegations are so serious, that you believe there you may be terminated or, worse yet, prosecuted for the alleged acts, consult an attorney. Prosecution for employment conduct may sound farfetched, but the matter was recently addressed by the Ohio Supreme Court in a decision in the case of *State v. Graham* (5/29/13), 2013-Ohio-2114 (full opinion at http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2013/2013-ohio-2114.pdf). The State argued that public employees who discussed whether a lower level employee should be disciplined might be prosecuted using statements made when they were threatened with job loss. The Supreme Court disagreed, and decided that courts were required to suppress such statements, since the alternative would force government workers to choose between self-incrimination or job loss.

The practical effect of the Supreme Court's ruling is to provide protection for public employees who become aware that the administrative investigation may be exploring whether criminal acts may have occurred. This scenario is not at all far-fetched since one of the more common charges against government employees involves misuse of public resources or performing personal activities while on the public payroll—either situation may give rise to theft-in-office charges, a felony under Ohio law. R.C. Sec. 2921.41. Improper completion of work documents such as employment applications may result in charges of falsification, which is a misdemeanor under R.C. Sec. 2921.13 (felony when intent to commit theft is present). The appropriate action, if you became aware that criminal charges were being considered. In that case, a public employee should refuse to answer questions until a *Garrity* warming is issued by the employer to advise the employee that their statements in an administrative investigation may not be used in a criminal prosecution.

3. WHEN TO CALL A LAWYER

Surviving in a government job is no mean feat, despite the stereotype view pronounced in media about the easy life of a pampered, overpaid public servant feeding at the trough of the taxpayer-funded treasury. Vigilance is key. Some civil servants relax after they pass probation, but most government workers don't feel secure until they've spent several years in an agency. Most employment problems occur after a management change, and different performance standards are imposed and personal alliances with the new superiors are formed. If you're not one of those favored by the new regime, clearly, other employees have forged the new alliances, often to your detriment. It is the rare employee in government who does not experience turmoil in their employment when new bosses and new work rules make their inevitable appearance.

Whether you suffer some adverse action or simply have an uneasy feeling based on unusual occurrences, it typically costs little or nothing to contact an employment attorney to inquire about legal options. Therefore, it is prudent to be proactive, and start early to get an understanding of your rights and potential solutions to workplace issues, before you are disciplined. Most employment attorneys have websites you can research. In addition, the Ohio Employment Lawyers Association is a resource you can use to locate legal assistance in your locality. It is important to inquire about the attorney's experience in public sector employment issues to determine whether they are familiar with the agencies or courts in which your case might be filed. You may also want to verify whether they represent employers as well as employees, and identify the employer to determine whether any conflict of interest exists. Attorneys are required to disclose whether they represent—or have represented—any individuals or organizations which may have an interest adverse to yours. If a conflict exists, or if, for other reasons, you decide not to follow through with a meeting with the attorney after your initial conversation, the attorney is bound by the Canons of Ethics and the Code of Professional Responsibility not to disclose any of the information you have shared with him or her.

Once you have selected an attorney to consult, schedule an appointment, confirming ahead of time, whether the consultation is free or paid. If the consultation is not free, ask what the attorney's fee covers and how much time will be allotted for the meeting. You should have a brief, but detailed, summary of relevant events, describing, at least, what adverse actions you believe have occurred, and specific dates, circumstances and witnesses for each major event. If you believe important documents will better explain the situation, attempt to submit the documents along with your summary of events to the attorney prior to the appointment.

4. PUBLIC INFORMATION RESOURCES

It is not uncommon for government employees who are initially reluctant to contact a private attorney to seek publicly available resources to learn about their rights. Most government agencies have human resources offices which distribute handbooks or policy manuals describing employees' rights to contest adverse employment actions. Employees should remember at all times that government bureaucracies have their own survival as their highest priority; the legal interests of employees will never surpass institutional concerns. Simply put, human resource managers look out for management's interests first. Being too curious about the legal rights of employees often makes one a target. Displays of interest in procedures for challenging governmental action are never rewarded with love and kindness. Surprisingly, many employees learn this too late, and have their performance or conduct judged with greater scrutiny because they are perceived as a threat to their agency. Agency officials charged with responsibility for personnel policies and procedures are, more often than not, concerned with legal damage control and removing employees who challenge the propriety of management action. Too frequently, management officials dealing with employment issues look at reducing liability first, instead of promoting fairness and stable work environment through the enforcement of employment laws.

Employees should first access employee handbooks or personnel policies which are available on an agency website to educate themselves before direct contact with agency personnel or human resource officials. There are also governmental agencies which have been established by law to accept and investigate complaints about employment practices; some of these agencies have statutory authority to hold hearings on appeals or complaints of adverse job action and issue orders providing relief to employees such as reinstatement and restoration of lost wages. (See appendix listing employment practice and appeal boards and agencies).

It should be remembered that "cold calls" to these outside governmental agencies designed to hear appeals and investigate complaints can produce mixed results. Some agencies have intake officers whose job involves providing general information to callers to explain that agency's role and legal enabling authority. Individuals do not always provide their name, and are not free to give "advice", but, instead, can only offer general guidance as to the contents of the law or related regulations. There are, occasionally, instances where an official of a neutral agency may render specific advice to a caller, or, in worst case scenarios, discourage an employee from pursuing an available legal action. Accepting advice from an anonymous official based on a brief description of circumstances over the phone has its risks. There are many fine officials with reputable governmental boards and commissions who provide invaluable assistance to the public in providing information about employee rights. Accountability, however, is lacking, since most such assistance is done in anonymous, unrecorded fashion, and has no binding, precedential effect on any case which is subsequently filed. Moreover, if the advice is incorrect or misunderstood, a time line for filing of an appeal or complaint may expire before correct legal information is obtained. A rule of thumb in most cases is that a complaint or appeal should be filed, when in doubt, even though it is not fully

ascertained, whether there are, ultimately, established grounds to support the employee's claim. At the administrative level before the State Personnel Board of Review or local civil service commission, a premature appeal or other filing can always be withdrawn. This is not true of cases filed in court, which, if not properly investigated, may result in legal sanctions and penalties, should the legal action ultimately be determined to be frivolous.

5. DETERMINING WHETHER YOU HAVE A CASE

A client is solely authorized to make certain key decisions when represented by an attorney. Two of the most important decisions are (1) whether to file an action with an agency or court, and (2) whether to conclude or settle the case. The critical element in both these decisions is determining whether your case has sufficient merit to file, or, in the second instance, deciding whether your case merits continuing until some tribunal, agency or court issues a final order ruling that you win or lose. In plain English, clients and attorneys want to know if you can win. The clear, straightforward answer to this question is what all clients yearn for, and what most attorneys are reluctant to give.

Experienced attorneys understand that knowledge of what has happened is nearly always a factual dispute; and, moreover, what will happen in the future is never certain. The number of variables and factors affecting possible outcomes in a case is so great, that a good attorney apprises a new client of all their legal rights, but, soon afterward, of all the possible outcomes. This involves an explanation of the importance of the assignment of a particular judge or hearing officer (which, of course, is random, and cannot be controlled), the precedent from recent decisions, the number and quality of witnesses, and the existence of documentary evidence.

6. BUILDING YOUR CASE

The task of gathering evidence should start long before an employee decides to file an appeal or complaint or hire an attorney. The employee's gut instinct that adverse action is about to happen should trigger the record accumulation process. Waiting until one has been removed from the workplace, of course, is too late, and leaves the employee at an immediate disadvantage. It is common for employers to escort employees out of their building without providing an opportunity for cleaning out their desk. It is fashionable to hide behind the exaggerated fear of employees' "going postal", as a basis for whisking employees out the door before they know what hit them.

It is enough to know that devious employers will try to obtain an "edge" by preventing employees from compiling information which would prove their innocence of alleged misconduct. Therefore, it is never too early to begin copying materials which establish the employee's interpretation of events. Work rules or policies against taking materials out of the workplace or using government equipment to reproduce information should be reviewed to avoid additional charges for "misuse of government equipment". Even identification of the necessary files, documents or records for an employee's defense is helpful, since records may be obtained, even after removal from employment, using Ohio's public records laws. See. R.C. Sec. 149.43.

Likewise, co-worker phone numbers and email addresses are invaluable for providing evidence or leads to evidence in preparation for a hearing, and should be obtained as soon as the employee's suspicion is aroused about management taking action against them. Indeed, if an employee is deemed very trustworthy, a brief statement supporting one's version of events over the employer's allegation can prove extremely helpful at a later time when memories fade and employer intimidation of witnesses is exercised. Again, the guidance of an attorney, even at this early stage, can be quite helpful to avoid any charge that the employees themselves are intimidating co-workers when trying to obtain a statement. (Note: If an employee provides a statement to an attorney, the statement is legally privileged as a confidential communication and can never be obtained by the employer. Statements which are not directed to one's attorney can be obtained by an employer.)

It is extremely important that an employee's file containing information be maintained at home or on one's person. Government employees have no expectation of privacy in their workstation, and employer surveillance is nearly always permitted—and should be presumed. Again, as earlier stated, it is much more difficult to obtain information, once the employee has been removed from their employment. So, where possible, discrete, and lawful, the employee suspecting adverse employment action should take their information home—and keep it there. Any questions about the propriety of removing information from the workplace should be directed to an attorney knowledgeable in employment law.

Another note of caution involves use of one's work computer or resources (such as copier or paper) to obtain and record information for one's case. Use of government-owned

equipment, even government-provided email systems, may be deemed illegal and improper, when it is for the purpose of aiding one's individual legal concerns. In order for an employee filing a legal action utilizing their work computer, for example, there must be some work rule allowing limited personal use of the computer, or the employee action must be one relating to a recognized public interest, such as whistle-blowing complaints which are protected by law. See R.C. Secs. 124.341 and 4113.51-52.

7. FILING YOUR APPEAL

Appeals of discipline or adverse actions to the State Personnel Board of Review

R.C. Sec. 124.03(A)(1) gives the State Personnel Board of Review (SPBR) jurisdiction to hear appeals of classified employees from reductions in pay or position, job abolishment, layoff, suspension, discharge, assignment or reassignment to a new or different position classification or refusal of an appointing authority to reassign an employee to another classification or to reclassify the employee's position with or without a job audit. Discharge under this provision includes disability separation.

R.C. Sec. 124.34 generally requires that employees file appeals with SPBR within 10 days from the date of any of the adverse actions described above. The safe approach is to file within 10 days of the ***first notice*** of an adverse action.

R.C. Sec. 124.341 allows classified and unclassified employees to file appeals with the SPBR within 30 days from retaliatory actions taken by an employer in response to a whistle-blowing complaint. The complaint must be presented in writing to the employee's supervisor, appointing authority, office of internal auditing, or state auditor's fraud-reporting system, and identify a violation of state or federal statutes, rules or regulations or the misuse of public resources.

The reporting of criminal offenses is also protected and may be made—in writing—to the employee's supervisor, appointing authority, office of internal auditing, or state auditor's fraud-reporting system; or, additionally, or instead, to any of the law enforcement officials identified in R.C. Sec. 124.341(A).

Purposely, knowingly or recklessly reporting false information may lead to discipline. R.C. Sec. 124.341(C).

R.C. Sec. 124.40 authorizes SPBR to investigate municipal and township civil service commissions and make a public report to the appointing authority's chief executive officer.

R.C. Sec. 124.56 provides SPBR with authority to investigate complaints and render reports to the governor or chief executive officer (in the case of a municipality or township) about violations of R.C. Chapter 124, or the intent and spirit of the Chapter; this report could lead to the removal of the offending official after a public hearing.

SPBR provides additional helpful information about filing an appeal, https://pbr.ohio.gov/filing-an-appeal, and about its hearing process on its website at https://pbr.ohio.gov/filing-an-appeal/hearing-process

Appeals of Discipline or Adverse Actions to a Civil Service Commission

If your municipal, township or village employer has a civil service commission or other board which hears appeals from adverse personnel actions, you may have a right of appeal and hearing before that commission or board (Such agencies may have different names, such as "civil service commission", "human resource commission" or "board of review"; to ensure you are appealing to the right agency, immediately consult a local attorney who is knowledgeable in civil service matters or contact the State Personnel Board of Review at 614-466-7046). Typically, a notice of appeal must be filed with the commission within ten (10) calendar days following the date the disciplinary order is served on the employee. If no disciplinary order is served on the employee, the employee, under most commission rules, has thirty (30) calendar days from the actual notice of a disciplinary action to file an appeal with the commission. See O.A.C. 124-1-03(A), (I); State Personnel Board of Review, "State of Ohio, Municipal Civil Service Commissions: Guidelines for Conducting Employee Hearings."

The appeal time period can differ depending on the public employer which employs you. Moreover, understanding the difference between time periods for appeal to the State Personnel Board of Review, the civil service commission or to common pleas court can be difficult, even for attorneys not familiar with civil service. Therefore, it is important to immediately consult an attorney knowledgeable in civil service law or an employee who certified by the Ohio State Bar Association as a Specialist in labor and employment law. ***Your failure to properly and timely file an appeal to the State Personnel Board of Review, a civil service commission or other agency could permanently affect your rights to your job and back pay.*** Your early consultation of a qualified attorney to assist with your appeal of employer discipline is also important to (1) help put on necessary testimony and evidence to challenge improper action and (2) set the stage for a court challenge to the commission's decision.

Appeals To Court After Board Or Commission Decision

Appeals to Court after a decision by the SPBR or a municipal civil service commission are governed by R.C. Chapter 119. Appeals of SPBR rulings must be filed within 15 days of the Board order, and need to be filed with the Board of Review and the Common Pleas Court of the county in which the employer is located. The Ohio Supreme Court has stated that appeals of SPBR decisions must be filed in *strict* accordance with R.C. Sec. 119.12, and precise adherence to this statute requires qualified legal counsel. Such appeals are generally limited to a review of the record to determine whether there is sufficient reliable evidence to support the decision and that the Board followed the law. Thus, for all practical purposes, the procedure in the review of a commission decision ends up being analogous to the R.C. 119.12 limited review, which governs SPBR. A transcript of the SPBR or commission hearing will be filed with the local Court of Common Pleas and reviewed by the judge along with legal briefs filed by the Court. In limited cases, the court will allow the introduction of newly discovered evidence. You

should check with the Court clerk's office to see whether the entire record has been filed within 30 days of the date of the decision.

If the court decides in its review that the SPBR or commission order is not supported by sufficient reliable evidence or is unlawful, it may reverse, modify or remand the case back to the agency for further hearing.

Common pleas court decisions may be appealed to a 3-member court of appeals, and, ultimately, to the Ohio Supreme Court, if it is found that a significant question of public and general interest is involved in the appeal.

Appeals from Decision of Civil Service Commission under R.C. Chapter 2506

If your civil service commission or reviewing agency is not covered by Ohio Revised Code Section 124.34 (which has a 10-day period for appeal of orders of removal, suspension or demotion to SPBR, and 15-day appeal to common pleas court from the Board's decision), then the employee's appeal is covered by Ohio Revised Code Section 2506.04, which provides that appeals must be taken within 30 days to the court of common pleas in the county where the employee works. When a challenge to the employer's adverse action is unsuccessful at the civil service commission (non-municipal), the employee's right of appeal to common pleas court is governed by Ohio Revised Code Chapter 2506. Chapter 2506 appeals from civil service commission decisions, can conceivably lead to an actual hearing before a common pleas judge, but rarely do, since most courts view their role as one of a limited review of the record. Again, early consultation with a knowledgeable attorney will insure that your appeal is timely and properly formulated. Government attorneys almost always attempt to get appeals dismissed on technical grounds, such as timeliness or improper form, to prevent you from obtaining a fair review of the employer's action on the merits of your case.

Generally, you have 30 days from a civil service commission's decision to file an appeal to your county's (assuming you reside in the same county as your employer) common pleas court; however, there are statutes applying to specific categories of government employees, which call for an appeal within 10 days of the commission's decision. See, e.g., Ohio Revised Code Sec. 505.38(A)(fire chiefs, members of fire departments of township or fire district, 10 days to appeal findings to common pleas courts); Ohio Revised Code Sec. 505.49(C)(police officers, police district employees or police constables in townships with population exceeding 10,000, civil service appeal rights under Ohio Revised Code Sec. 124.34); Ohio Revised Code Sec. 737.171(village marshal, 10 days to appeal legislative findings to common pleas court). Again, it cannot be overemphasized that it is important to immediately consult an attorney knowledgeable in civil service law or an employee who is certified by the Ohio State Bar Association as a Specialist in labor and employment law. ***Your failure to properly and timely file an appeal to court could permanently affect your rights to your job and back pay.***

8. ELECTION YEAR ANXIETY, OUTSOURCING & REORGANIZATIONS

No event provokes more anxiety in government than election year. A change in office or party in power is often accompanied by "regime change," leading to unnecessary changes in personnel, creation of new positions for political supporters of the prevailing candidate, and elimination of other jobs to make room for the beneficiaries of electoral success. The spoils system[1] is alive and well in Ohio, and public employees have reason to be nervous as the change of administration occurs this year in all statewide offices and countless county and city offices throughout Ohio.

Political activity of a partisan nature is prohibited for those in classified civil service positions.[2] While it would seem to be obvious that classified employees would not try to identify themselves as partisan political supporters of a particular candidate or party, some cannot help but speak their mind and, unintentionally, identify themselves as possible victims for replacement by incoming management with political supporters. Generally, though, an employee may be targeted merely for ***not*** having supported the newly-elected executive. Also, political appointees from the old guard may have voluntarily demoted into classified positions as a protection against removal.

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[1]"It may be, sir, that the politicians of the United States are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practise. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belong the spoils of the enemy." Senator William Learned Marcy, remarks in the Senate, January 25, 1832, Register of Debates in Congress, vol. 8, col. 1325

[2] O.R.C. Sec. 124.57; O.A.C. 123:1-46-02 Political activity of employees in the classified service of the state.

9. FINAL THOUGHTS ABOUT THE APPEALS PROCESS

Appeals of a disciplinary action can take from 1 to 3 years, and succeed or fail on the recordkeeping of the employee and the employer. Related litigation can further prolong the process. If employees can prove their good performance or conduct in a controversy with good recordkeeping and witness testimony, they can usually prevail over the employer. Documented adherence to agency work rules and supervisory standards requires diligent, daily focus on tracking of activities and establishing compliance with policies. The battle is usually won or lost before the employer issues its discipline, and the job of an employee's attorney is much easier when the employee thoroughly documents what has happened in the time leading up to the adverse employment action.

More than anything else, employee recordkeeping will help answer the question of whether to fight or move on. Government employers have the power to hire, fire or take other adverse action against employees, but they can be held accountable for arbitrary, vindictive discipline which lacks the necessary paper trail of documentation. Proper and timely pursuit of your administrative appeal can get your job back, recover back pay, and set the stage for other legal options such as discrimination and retaliation claims, which are not addressed here.

Appendix A

HOW TO SURVIVE AS A PUBLIC EMPLOYEE[3] IN OHIO
A Do-It-Yourself Survival Guide

TAKING STOCK OF YOUR SITUATION—How long since you updated your resume?

PRESERVING RECORDS—Do you know what's in your personnel file? In the file your boss keeps on you?

DOCUMENTATION—Are you allowed to copy work records and take them home for safekeeping?

STEPS TO PRESERVE AND STRENGTHEN YOUR POSITION—Are you looking to take proactive steps so you can retire from your current job? Or are you now fighting for your life to stay employed?

ORGANIZING—Is a union available or desirable to assist in protecting your job?

NETWORKING—Who are potential allies or supporters in securing your position with your agency?

WHAT TO DO IF YOU ARE ALREADY UNDER ATTACK—What records are important or available to prove a case if you have to fight for your job?

PREPARING FOR LAYOFFS AND REDUCTIONS IN FORCE—Are your personnel records and job reviews accurate? Are they helpful or damning? Do you have time to move to other employment?

PREPARING YOUR DEFENSE AGAINST DISCIPLINE—What comparable cases would you use to show you're being mistreated?

FIGHTING TERMINATION—Timelines, Procedures and Costs

HOW TO HANDLE D-DAY—Is your departure a total surprise? Are you entitled to one phone call or any other last-second moves to stop the ax before it falls?

FINDING LEGAL REPRESENTATION—What to look for in a lawyer

DETERMINING HOW MUCH TIME YOU HAVE TO FILE AN APPEAL—Can you start the process without an attorney?

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[3] ***PUBLIC EMPLOYEE SURVIVAL GUIDE* (Moses, c. 2024)**

EXPLORING LITIGATION AGAINST YOUR EMPLOYER—Balancing justice with reality. The consequences of fighting on your career.

MOVING ON WITH YOUR LIFE AND CAREER WHILE CONTESTING TERMINATION—Going two directions at once.

LOOKING FOR WORK—What can you say to a prospective employer about the last one? What should you say?

DOCUMENTING YOUR JOB SEARCH—Proving your damages in an employment case.

FIGHTING FOR REINSTATEMENT—Is it worth it? Is it realistic? Are there alternatives?

REALITIES AND TRUISMS ABOUT GOVERNMENT AND BUREAUCRACY

GOVERNMENT OPERATES SOLELY TO PERPETUATE ITSELF, GROW BIGGER, AND GAIN MORE POWER OVER ITS CONSTITUENCY AND ITS EMPLOYEES.

COMPETENCE, EXPERIENCE AND INNOVATIVE THINKING ARE DANGEROUS THREATS TO MANAGERS AND APPOINTING AUTHORITIES

SENIORITY IS NO GUARANTEE THAT MANAGEMENT WON'T TRY TO DISCHARGE YOU WITHOUT CAUSE.

YOUR CO-WORKER IS NOT ALWAYS YOUR FRIEND

HUMAN RESOURCES IS ONLY A RESOURCE FOR MANAGEMENT, NOT A RESOURCE FOR YOU.

FINDING A LAWYER WHO IS RIGHT FOR YOU

About the Author

Michael Moses has fought for over 30 years to protect public employee rights in Ohio at all levels of government and in all courts. He is certified as a Labor and Employment Law Specialist by the Ohio State Bar Association. His experience as an Assistant Attorney General, SERB General Counsel, and practitioner in numerous agencies and courts litigating a wide variety of public employment issues will prove invaluable in saving your job and advising you on the proper course of action in your employment.
For more information see michaelmosesattorney.com.

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[1]"It may be, sir, that the politicians of the United States are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practise. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belong the spoils of the enemy." Senator William Learned Marcy, remarks in the Senate, January 25, 1832, Register of Debates in Congress, vol. 8, col. 1325